

REMARKS

With entry of this amendment, prior claims 21-37 remain pending, and new claim 38 has been added, in order to more clearly and precisely set forth the subject matter which the Applicants regard as their invention, as well as to correct minor grammatical errors. No new matter has been added. In view of these amendments and the following remarks, reconsideration and allowance of the application is respectfully requested.

Claim Rejections – USC 102

Claims 21-26, 28-33 and 35-37 stand rejected under 35 U.S.C. 102(b), as allegedly being anticipated by USP 5,407,435 (“Sachse”). Applicant respectfully traverses.

Independent claim 21 and 28 have been amended to more specifically include “delivering an object or substance *to the body through the first cannula lumen.*” In contradistinction, each and every embodiment of the ureter tube of Sachse has a closed distal end (See Figs. 1-10 of Sachse), which inherently prevents the delivery of any object or substance from an inner lumen to the body. In particular, the Sachse ureter is not utilized as a flexible cannula for maneuvering to a desired location and then delivering an object or substance there through, but is an actual work piece that is implanted into the patient. In other words, the steering mandarin in Sachse detachably couples to an implant, and not to a delivery cannula.

Independent claim 35 recites a method including inserting a wire having a bent distal end portion into a lumen of a cannula, ... such that insertion of the wire through a second (stiffer) proximal portion and into a first portion of the cannula causes the first cannula portion to bend with the bent distal end portion of the wire. Sachse does not disclose or suggest the using a wire having a bend configuration for steering the distal end of a cannula as is recited in claim 35. In

each embodiment described in Sachse, the distal end of the steering mandrin has a specific geometry to couple with (but never bends) the implant.

For at least the foregoing reasons, independent claims 21, 28 and 35, as amended, are believed patentable over Sachse. For at least the same reasons, dependent claims 22-26, 29-33 and 36-37, along with new dependent claim 38, are also allowable over Sachse.

Applicants appreciate and thank the Examiner for indicating that dependent claims 27 and 34 would be allowable if rewritten in independent form, including all of the limitations of their respective independent (and any intervening) claim(s).

CONCLUSION

In view of the foregoing, withdrawal of the claim rejections and the allowance of the application is respectfully requested. Should the Examiner have any questions or comments regarding this amendment, he is invited to contact the undersigned at the number listed below.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: January 16, 2007

By: /David T. Burse/
David T. Burse
Reg. No. 37,104

Customer Number
41696
PATENT TRADEMARK OFFICE

VISTA IP LAW GROUP LLP
12930 Saratoga Avenue, Suite D-2
Saratoga, CA 95070
Phone (408) 777-2905
Fax (408) 877-1662